

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH**

HENRY JAMES HOLMES,)	
)	
Plaintiff,)	Civil Action No. 2: 22-cv-00580
)	Chief Judge Mark R. Hornak
v.)	Chief Magistrate Judge Cynthia Reed Eddy
)	
MICHAEL VEITH, Pittsburgh City Police)	
Officer; JOSE MANUEL CARVALLO,)	
JR., Allegheny County Public Defender;)	
ORLANDO HARPER, Allegheny County)	
Jail Warden, and COLONEL ROBERT)	
EVANCHICK, Penn State Police)	
Commissioner,)	
Defendants.)	

MEMORANDUM OPINION

Plaintiff, Henry James Holmes, initiated this civil rights case on April 20, 2022, by the filing of a Motion for Leave to Proceed in forma pauperis (“IFP motion”). ECF No. 1. Attached to the IFP motion was a Complaint for Violation of Civil Rights (Non-Prisoner), which was lodged pending disposition of the IFP motion. The IFP motion was granted on May 9, 2022, ECF No. 3, and the Complaint filed that day. ECF No. 5. The case was referred to Chief Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

Chief Magistrate Judge Eddy, in a Report and Recommendation (the “Report”), ECF No. 7, filed on August 30, 2022, recommended that the Complaint be dismissed pre-service pursuant to 28 U.S.C. § 1915(e), which permits pre-screening of complaints filed by plaintiffs who are granted in forma pauperis status. The Report recommended preservice dismissal of the

Complaint because it was repetitious of Plaintiff's two previously filed civil actions at 17-cv-1278 and 19-cv-1398 in this Court, and due to its failure to state a claim upon which relief can be granted based on the same grounds that the previous civil actions were dismissed. Service of the Report was made on Plaintiff at his address of record. The Report explained that Plaintiff's objections to the Report must be filed by September 16, 2022, and that failure to file timely objections would waive the right to appeal. To date, Plaintiff has not filed any objections to the Report and there has been no activity on the docket since the Report was filed.

After de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the Court finds that the Report's conclusions that Plaintiff's Complaint is repetitious of Plaintiff's two previous civil actions and that Plaintiff's Complaint fails to state a claim upon which relief can be granted for the same reasons as the two previous civil actions are correct and adopts the same.¹ Accordingly, the Report will be adopted as the Opinion of the Court in all respects.

An appropriate Order follows.

Dated: 9/28/2022



MARK R. HORNAK
CHIEF UNITED STATES DISTRICT JUDGE

¹ If a party does not file timely objections to a magistrate judge's report and recommendation, the party may lose its right to de novo review by the district court, although the court must still give "reasoned consideration" to the magistrate judge's report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987).

cc: The Honorable Cynthia Reed Eddy
Chief United States Magistrate Judge

Henry James Holmes
1020 Franklin Ave.
Pittsburgh, PA 15221